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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,321	07/18/2000	Marc David Abrahams	66182	9842

22242 7590 01/27/2003

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EXAMINER
ALAM, SHAHID AL

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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	5

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Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/618,321	ABRAHAMS, MARC DAVID	
	Examiner	Art Unit	
	Shahid Al Alam	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to argument filed on November 14, 2002.

2. Applicant's arguments with respect to claims 1 - 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,848,399 issued to Raymond Burke ("Burke") and in view of U.S. Patent Number 5,237,157 issued to Joshua Kaplan ("Kaplan").

With respect to claims 1 and 12, Burke teaches retrieving data for a particular user from a database (column 3, lines 49 – 53, column 6, lines 50 – 60, column 11, lines 64 – 67 and column 12, lines 40 – 67;

> means for retrieving, through the means for accessing the data file, the information describing the locations and dimensions of the products in three dimensions and dimensions of the display area in three dimensions for the selected product category, means for retrieving, through the means for accessing the product image database and using the unique code for each product in the selected product category, the image for each product in the selected product category, . . .);

assembling display data that is configured to render a three-dimensional display area on a video display, the display area including images of one or more products that are selected based on the data (column 5, lines 15 – 26;

> The images and price information 54 from the image database 50 and three-dimensional description 56 for a store 59 from the store database 61 are used by a shopping service 65, which operates on a multi-server computer. The shopping service (and therefore, the multi-server computer) 65 is connected to a consumer's access system 64 via a connection 63. A video display generator 58, part of the shopping service 65, generates a picture 60 which is transmitted to the display 71 of the consumer's access system 64);

sending the display data through a computer network for display on a client computer video display (column 5, lines 15 – 24

> The images and price information 54 from the image database 50 and three-dimensional description 56 for a store 59 from the store database 61 are used by a shopping service 65, which operates on a multi-server computer. The shopping service (and therefore, the multi-server computer) 65 is connected to a consumer's access system 64 via a connection 63. A video display generator 58, part of the shopping service 65, generates a picture 60 which is transmitted to the display 71 of the consumer's access system 64);

receiving a communication from the client computer through the computer network, the communication resulting from interactions with the display area (column 5, lines 46 – 60;

> the multi-server computer may communicate with a personal computer, which acts as the consumer's access system 64. The consumer's input device 70 may be any of a mouse, trackball, keyboard, touch screen or other input device for a computer. The consumer's display 71 is typically a cathode ray tube or other type of computer display for the personal computer. The consumer accesses the shopping service 65 running on the

multi-server computer via a modem and telephone line, which provides the connection 63 between the multi-server 65 and the consumer's access system 64. This system may also be operating on a multi-user computer system, where a main multi-server computer running the shopping service 65 is accessible by multiple consumers using other computers via a computer network); and

updating the data for the particular user in the database based on the communication (column 11, lines 48 – 63 and column 12, lines 21 – 22;

Research data is also accumulated and stored during the processing of consumer actions. For each action taken by the consumer, a date and time stamp, an indication of the action taken, and an indication of the product affected may be stored. For example, each purchase, or each time a product is removed from the consumer shopping cart in either of steps 167 or 171 can be stored as an event which may have some marketing research significance. The number of products purchased, their frequency over time and the ordering of choices provides insight into the purchasing behavior of the consumer. From these stored actions and time stamps, one may also determine the amount of time a consumer has taken for given actions. For example, the amount of time a consumer views a product close-up, or views a particular product category, may be determined. This timing gives an indication as to how long a user takes to make a decision. All ordering information and other consumer actions are automatically tracked).

Burke teaches retrieving and updating data for a user from a database. Burke does not explicitly teach personalization data as claimed.

Kaplan teaches claimed personalized (profile) data (see abstract and column 3, lines 39 – 46; Kaplan:

After subscriber selection, a programmable data processor selects from storage and then transmits at least one discrete increment of information to a display means for subscriber review. Subscriber selection and profile data are collected and stored. The invention also provides for transmission of subscriber selection and subscriber profile data to a central

database for collection and processing by the central processing unit. This system is used to preview audio programs on compact disks. The selection and input data from the subscriber is collected from each kiosk location and is transmitted to be stored in a central database for analysis by the central processing unit. Through the central processing unit, the subscriber selection and subscriber profile data can be analyzed, packaged, and distributed as information products to the entire music industry as timely and focused market research).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was to combine Kaplan with Burke because the combination would provide a system to be a computer age listening booth. Consumers would be offered the ability to preview music before purchasing selections at record store (column 3, lines 47 – 52; Kaplan).

As to claims 2 and 13, an instruction to select one of the product images in the display area (column 7, lines 59 – 63 and column 12, lines 1 – 5).

As to claims 3 and 14, an instruction to manipulate one of the product images in the display area (column 6, lines 40 – 43).

As to claims 4 and 15, assembling modified display data that is configured to render a modified display area having at least a portion of a selected one of the product images shown in more detail (column 6, lines 40 – 48).

As to claims 5 and 16, sending the modified display data through the network for display on the client computer (column 6, lines 43 – 48).

As to claims 6 and 17, processing data included in the communication with a engine (column 9, lines 13 – 29).

As to claims 7 and 18, a request for an audio file (column 1, lines 63 – 66).

As to claims 8 and 19, sending an audio file through the computer network to the client computer (column 1, lines 63 – 66).

As to claims 9 and 20, the communication comprises one or more search terms (column 5, lines 38 - 42).

As to claims 10 and 21, the display area comprises an input box configured to receive search terms (column 5, lines 38 – 47).

As to claims 11 and 22, the display area comprises a virtual room (column 12, lines 1 – 9).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358. The examiner can normally be reached on Monday - Thursday 8:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shahid Al Alam
Examiner
Art Unit 2172

SAA
January 23, 2003